

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – W/S West Cherry Hill
Road, 197' SW of the c/l of Tarragon Road
(Cherry Croft)
4th Election District
3rd Councilmanic District

John F. Owings, Jr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-240-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, John F. Owings, Jr., through his attorney, Robert A. Hoffman, Esquire. The Petitioner seeks approval of a Petition for Special Hearing to confirm that density in a portion of the ROA zone may be commingled with the density associated with the D.R.5.5 zone, pursuant to Section 1B01.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: 1) From Section V.B.6.d of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 504 of the B.C.Z.R. to permit window to street right-of-way setbacks of 9 feet for Lot 61, 10 feet for Lots 42 and 49, 11 feet for Lots 8, 13, 14, 31, 36, 37, 56, 57 and 60, and 12 feet for Lot 71 in lieu of the required 13 feet each; and, to permit window to property line setbacks of 10 feet for Lots 45 and 46 in lieu of the required 15 feet each; 2) From Sections 1B01.2.C.2.b and 504 of the B.C.Z.R. and from Section V.B.6.C of the C.M.D.P. to permit window to window setbacks of 20 feet for Lots 45 and 46, 30 feet for Lots 56 and 57, 32 feet for Lots 7, 8, 13 and 14, and 35 feet for Lots 30, 31, 36, 37, 70 and 71 in lieu of the required 40 feet each; and, 3) From Sections 1B01.2.C.6 and 504 of the B.C.Z.R. and from Section V.B.3.b of the C.M.D.P. to permit building to building setbacks of 20 feet for Lots 45 and 46, 30 feet for Lots 56 and 57, 32 feet for Lots 7, 8, 13 and 14, and 35 feet for Lots 30, 31, 36, 37, 70 and 71 in lieu of the required 40 feet each. At the onset of the hearing, the Petition for Variance was amended to correct the Lot numbers affected by the relief requested in the Petition. The Petition was amended

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By

accordingly and a copy of the amended request was submitted into evidence as Petitioner's Exhibit 2. The subject property and amended relief requested are more particularly described on the red-lined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1A.

Appearing at the hearing in support of the request were John F. Owings, Jr., property owner, William B. Goode, Dwight Little, Professional Engineer with W. Duvall & Associates, Inc., who prepared the site plan for this property, and Robert A. Hoffman, Esquire, and Patricia A. Malone, Esquire, attorneys for the Petitioner. Mr. Edward O'Connor, a resident of the adjacent Hathaway community and representative of the Hathaway-Fox Haven Community Association, appeared as an interested citizen. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of a gross area of 13.857 acres, more or less, split zoned D.R.2 (0.507 acres), D.R.5.5 (10.834 acres), D.R.16 (0.641 acres) and R.O.A. (1.617 acres). The property is located on the southeast corner of the intersection of Franklin Boulevard and West Cherry Hill Road, not far from the I-795 (Owings Mills Boulevard) Interchange. The property received County Review Group (CRG) approval in 1986 for development with 81 single family townhouse dwelling units; however, the site has yet to be developed. As noted above, the bulk of the property is zoned D.R.5.5; however, there is a 1.617 acre parcel zoned R.O.A. located in the southeast corner of the subject site. This R.O.A. parcel has been further divided to dedicate .618 acres to the office use that exists in the dwelling located on that portion of the site. The Petitioner proposes to incorporate the remaining .999 acres of R.O.A. land into the D.R.5.5 zoned portion of the property and utilize same for density purposes. While a total of 83 townhouse units would be permitted on the subject site, the Petitioner proposes to construct only 81 units. However, in order to proceed, a special hearing is necessary to confirm that the density associated with the R.O.A. zoned land can be incorporated into the density associated with the D.R.5.5 zone.

Inasmuch as the proposed development of Cherry Croft was approved in 1986, prior to Bill No. 2-92 which prohibits mixing densities, the Petitioner is permitted to commingle the density

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associated with the R.O.A. and D.R. 5.5 zones. Thus, the relief requested in the special hearing should be granted. As to the variances requested, testimony indicated that because this project was approved under the old CRG process, the older development regulations are applicable as to window to property line and window to window setbacks. Testimony indicated that Mr. Owings is desirous of selling the property to either Ryan, Ryland, or Pulte Homes, all of whom have shown an interest in the property. As noted above, no development has taken place on the property, and the variances being requested are for homes yet to be built.

Mr. Owings further indicated that the townhouses to be built will be 20 feet wide with a first floor garage, and three finished levels, with a single car garage on the first level. This was important to Mr. O'Connor, who resides in the adjacent community of Hathaway. Mr. O'Connor wanted assurance that the townhouses to be built will be consistent with the value of existing homes in the surrounding communities. Mr. O'Connor was assured that a 20-foot wide townhouse dwelling containing three finished levels and a garage on the first floor would be consistent with the value of surrounding homes in his community. Thus, he had no objections to the Developer's plans. In addition, Mr. O'Connor wanted assurance that no more than 81 townhouse dwellings would be built on the property. While the Petitioner indicated at the hearing that only 81 townhouses are being proposed at this time, I will impose a condition upon the granting of the relief requested that the property is developed in accordance with the red-lined site plan submitted into evidence as Petitioner's Exhibit 1A.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variance relief are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance requests, as amended, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of January, 1999 that the Petition for Special Hearing to confirm that density in a portion of the ROA zone may be commingled with the density associated with the D.R.5.5 zone, pursuant to Section 1B01.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) and in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance (as amended) seeking relief from the B.C.Z.R. as follows: 1) From Section V.B.6.d of the Comprehensive Manual of Development Policies (C.M.D.P.) and Section 504 of the B.C.Z.R. to permit window to street right-of-way setbacks of 9 feet for Lot 61, 10 feet for Lots 43 and 49, 11 feet for Lots 8, 13, 14, 32, 37, 38, 56, 57 and 60, and 12 feet for Lot 71 in lieu of the required 13 feet each; and, to permit window to property line

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setbacks of 10 feet for Lot 42 in lieu of the required 15 feet; 2) From Sections 1B01.2.C.2.b and 504 of the B.C.Z.R. and from Section V.B.6.C of the C.M.D.P. to permit window to window setbacks of 30 feet for Lots 31, 32, 37, 38, 56 and 57, 32 feet for Lots 7, 8, 13 and 14, and 35 feet for Lots 70 and 71 in lieu of the required 40 feet each; and, 3) From Sections 1B01.2.C.6 and 504 of the B.C.Z.R. and from Section V.B.3.b of the C.M.D.P. to permit building to building setbacks of 30 feet for Lots 31, 32, 37, 38, 56 and 57, 32 feet for Lots 7, 8, 13 and 14, and 35 feet for Lots 70 and 71 in lieu of the required 40 feet each, in accordance with Petitioner's Exhibits 1A and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developer shall be required to develop the property with 20-foot wide townhouse dwelling units, containing three finished levels and a single car garage on the first floor.
- 3) There shall be no more than 81 townhouse units built in Cherry Croft.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

CLERK RECEIVED FOR FILING
Date 1/27/09
[Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 26, 1999

Robert A. Hoffman, Esquire
Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SE/Corner Franklin Boulevard and West Cherry Hill Road(Cherry Croft)
4th Election District – 3rd Councilmanic District
John F. Owings, Jr. - Petitioner
Case No. 99-240-SPHA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John F. Owings, Jr., P.O. Box 295, Owings Mills, Md. 21117
Mr. Edward O'Connor, 108 Danbury Road, Reisterstown, Md. 21136
People's Counsel; Case File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Southeast Corner of the intersection of Franklin Boulevard and Tarragon Road
which is presently zoned D.R. 5.5 and ROA

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

a special hearing to confirm that density in a portion of the ROA and D.R. 5.5 zones may be commingled under Section 1B01.2 of the Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave.

(410) 494-6200
Phone No

Towson

MD
State

21204
Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

John F. Owings, Jr.

(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 295
Address

(410) 833-1187
Phone No.

Owings Mills
City

MD
State

21117
Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204
Address

(410) 494-6200
Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF

HEARING
unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: [Signature]

DATE

12-9-98

240

99-240-SPHA



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Southeast Corner of the intersection of Franklin Boulevard and Tarragon Road

which is presently zoned D.R. 5.5 and ROA

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made part of hereof, hereby petition for a Variance from Section(s)

See attached sheet for a list of the variances requested.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardships or practical difficulty)

To be determined at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
(Type or Print Name)

Signature

210 Allegheny Ave. (410) 494-6200
Address Phone No

Towson MD 21204
City State Zipcode

Legal Owner(s):

John F. Owings, Jr.
(Type or Print Name)

Signature

(Type or Print Name)

Signature

P.O. Box 295 (410) 833-1187
Address Phone No.

Owings Mills MD 21117
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP
Name

210 Allegheny Ave, Towson, MD 21204 (410) 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF

HEARING

unavailable for Hearing: the following dates

Next Two Months

ALL

OTHER

REVIEWED BY

DATE

12-9-98

240

99-240-SPHA

ORDER RECEIVED FOR FILING

1. Variance from Sections V.B.6.d of the CMDP and Section 504 of the BCZR to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61; 10 feet for Lot Nos. 42 and 49; 11 feet for Lot Nos. 8, 13, 14, 31, 36, 37, 56, 57 and 60; and 12 feet for Lot No. 71, in lieu of the 13 feet required; and, a variance to permit window-to-property line setbacks of 10 feet for Lot Nos. 45 and 46 in lieu of the 15 feet required.
2. Variance from Sections 1B01.2.C.2.b and 504 of the BCZR and V.B.6.C of the CMDP to permit window-to-window setbacks of 20 feet for Lot Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14; and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71, in lieu of the 40 feet required.
3. Variance from Sections 1B01.2.C.6 and 504 of the BCZR and V.B.3.b of the CMDP to permit building-to-building setbacks of 20 ft. for Lots Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14; and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71, in lieu of the 40 feet required.

TO1DOCS1/eri01/#76024 v1

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Date 1/22/99
By [Signature]

- (1) Section V.B.6.d
(CMDP), and
504 (BCZR).
- (2) Section 1B01.2.C.2.b
and 504 (BCZR),
V.B.6.C. (CMDP).
- (3) Section 1B01.2.C.6
and 504 (BCZR),
V.B.3.b (CMDP).

SUMMARY OF ZONING VARIANCES				
	(1)	(1)	(2)	(3)
Lot No.	Window to R/W (13' Req'd)	Window to Prop. Line (15' Req'd)	Window to Window (40' Req'd)	Bldg. to Bldg. (Hgt=35'±) (40' Req'd)
2	--	--	--	--
7	--	--	32'	32'
8	11'	--	32'	32'
13	11'	--	32'	32'
14	11'	--	32'	32'
15	--	--	--	--
16	--	--	--	--
17	--	--	--	--
18	--	--	--	--
19	--	--	--	--
20	--	--	--	--
21	--	--	--	--
22	--	--	--	--
23	--	--	--	--
30	--	--	35'	35'
31	11'	--	35'	35'
36	11'	--	35'	35'
37	11'	--	35'	35'
42	10'	--	--	--
45	--	10'	20'	20'
46	--	10'	20'	20'
49	10'	--	--	--
50	--	--	--	--
56	11'	--	30'	30'
57	11'	--	30'	30'
60	11'	--	--	--
61	9'	--	--	--
62	--	--	--	--
63	--	--	--	--
64	--	--	--	--
65	--	--	--	--
66	--	--	--	--
67	--	--	--	--
70	--	--	35'	35'
71	12'	--	35'	35'
77	--	--	--	--

Handwritten note: 20'

ORDER RECEIVED FOR FILING
Date 1/27/99
By [Signature]

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road
Towson, Maryland 21286

Telephone: (410) 583-9571
Fax: (410) 583-1513

November 2, 1998

ZONING DESCRIPTION FOR CHERRY CROFT

Beginning at a point on the west side of West Cherry Hill Road, variable width, at the distance of 197 feet southwest of the centerline of the nearest improved intersecting street, Tarragon Road, variable width, thence: (1) by a curve to the right having a radius of 760.00 feet and an arc length of 327.24 feet (the chord of said arc being North 49 degrees 21 minutes 30 seconds East 324.72 feet); thence (2) North 58 degrees 24 minutes 42 seconds West 127.58 feet; thence (3) North 60 degrees 39 minutes 30 seconds East 5.98 feet; thence (4) by a curve to the left having a radius of 1304.00 feet and an arc length of 182.69 feet (the chord of said arc being North 56 degrees 38 minutes 42 seconds East 182.54 feet); thence (5) by a curve to the left having a radius of 310.00 feet and an arc length of 87.52 feet (the chord of said arc being North 44 degrees 32 minutes 39 seconds East 87.23 feet); thence (6) by a curve to the right having a radius of 290.00 feet and an arc length of 37.98 feet (the chord of said arc being North 40 degrees 12 minutes 17 seconds East 37.95 feet); thence (7) North 43 degrees 57 minutes 48 seconds East 71.41 feet; thence (8) by a curve to the left having a radius of 1287.50 feet and an arc length of 102.75 feet (the chord of said arc being North 41 degrees 40 minutes 41 seconds East 102.73 feet); thence (9) North 39 degrees 31 minutes 00 seconds East 2.46 feet; thence (10) South 54 degrees 17 minutes 07 seconds East 290.40 feet; thence (11) North 41 degrees 04 minutes 59 seconds East 316.01 feet; thence (12) South 48 degrees 55 minutes 01 seconds East 264.02 feet; thence (13) South 24 degrees 06 minutes 04 seconds West 421.08 feet; thence (14) North 61 degrees 50 minutes 31 seconds West 115.25 feet; thence (15) South 38 degrees 04 minutes 07 seconds West 291.15 feet; thence (16) South 01 degrees 27 minutes 46 seconds East 300.03 feet; thence (17) by a curve to the left having a radius of 1025.00 feet and an arc length of 197.71 feet (the chord of said arc being North 77 degrees 16 minutes 49 seconds West 197.41 feet); thence (18) North 57 degrees 49 minutes 33 seconds West 596.62 feet to the place of beginning. Containing 13.857 acres of land, more or less. Being known as "Cherry Croft" as recorded in Baltimore County Plat Book S.M. 65 folio 43.

99-240-SPNA

NOTICE OF ZONING HEARINGS

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-240-SPHA
SE/S Cherry Hill Road at the intersection of Tarragon and Cherry Hill Roads (Cherry Croft)
4th Election District
3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.

Special Hearing: to confirm that density in a portion of the R-O-A and D.R.-5-5 zones may be commingled under Section 1801.2.
Variance: to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61; 10 feet for Lot Nos. 42 and 49, 11 feet for Lot Nos. 8, 13, 14, 31, 36, 37, 56, 57, and 60; and 12 feet for Lot No. 71 in lieu of the 13 feet required; to permit window-to-property line setbacks of 10 feet for Lot Nos. 45 and 46 in lieu of the 15 feet required; to permit window-to-window setbacks of 20 feet for Lot Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required; and to permit building-to-building setbacks of 20 feet for Lot Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required.

Hearing: Tuesday, January 19, 1999 at 2:00 p.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-4386.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

12/397 Dec. 31

C281553

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/4/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARY JD
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 062398

DATE 12-1-98 ACCOUNT Rec-6150

AMOUNT \$ 500.00

RECEIVED J. C. WINGS FROM: CHERYL L. PETERSON

FOR: (020) VAN (040) SPH.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
12/10/1998 12/10/1998 17:23:30
KEY 0001 CASHIER CLIN CRL DINNER L
5 MISCELLANEOUS CASH RECEIPT
Receipt # 081228
CR NO. 062398

500.00 CHECK
Baltimore County, Maryland

99-240-SPHA

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CASE NUMBER: 99-240-SPHA

PETITIONER/DEVELOPER: () John F. Owings Jr.

DATE OF HEARING/CLOSING: () 1-19-99

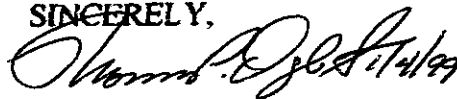
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

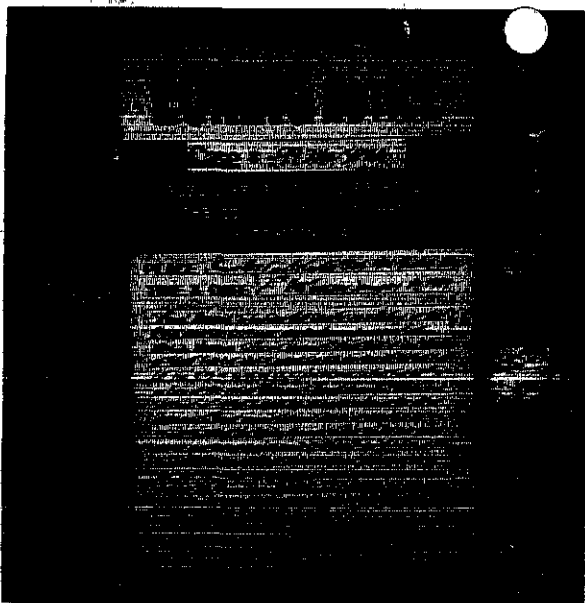
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY
THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,
W. CHERRY HILL & TARASON ROADS BALTIMORE, MD. 21136

THE SIGN(S) WERE POSTED ON, 1-4-99 BY THE UNDERSIGNED.

SINCERELY,



THOMAS P. OGLE SR.
325 NICHOLSON RD.
BALTIMORE MD. 21221
(410) 687-8405
(410) 687-4381 (FAX)



RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE

Tarragon & Cherry Hill Rds., SE/S of Cherry Hill Rd
at the intersection of Tarragon and Cherry Hill Rds,
4th Election District, 3rd Councilmanic

Legal Owners: John F. Owings, Jr.

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-240-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, P.O. Box 5517, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 22, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-240-SPHA

SE/S Cherry Hill Road at the intersection of Tarragon and Cherry Hill Roads (Cherry Croft)

4th Election District – 3rd Councilmanic District

Legal Owner: John F. Owings, Jr.

Special Hearing to confirm that density in a portion of the R-O-A and D.R.-5-5 zones may be commingled under Section 1B01.2. Variance to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61, 10 feet for Lot Nos. 42 and 49, 11 feet for Lot Nos. 8, 13, 14, 31, 36, 37, 56, 57, and 60, and 12 feet for Lot No. 71 in lieu of the 13 feet required; to permit window-to-property line setbacks of 10 feet for Lot Nos. 45 and 46 in lieu of the 15 feet required; to permit window-to-window setbacks of 20 feet for Lot Nos. 45 and 46, 30 feet for Lot Nos. 56 and 57, 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required; and to permit building-to-building setbacks of 20 feet for Lot Nos. 45 and 46, 30 feet for Lot Nos. 56 and 57, 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required.

HEARING: Tuesday, January 19, 1999 at 2:00 p.m. in Room 407, County Courts
Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon, Director

c: Robert A. Hoffman, Esquire
John F. Owings, Jr.

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JANUARY 4, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
December 31, 1998 Issue – Jeffersonian

Please forward billing to:

Barbara W. Ormord, Legal Assistant 410-494-6201
Venable
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-240-SPHA

SE/S Cherry Hill Road at the intersection of Tarragon and Cherry Hill Roads (Cherry Croft)

4th Election District – 3rd Councilmanic District

Legal Owner: John F. Owings, Jr.

Special Hearing to confirm that density in a portion of the R-O-A and D.R.-5-5 zones may be commingled under Section 1B01.2. Variance to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61, 10 feet for Lot Nos. 42 and 49, 11 feet for Lot Nos. 8, 13, 14, 31, 36, 37, 56, 57, and 60, and 12 feet for Lot No. 71 in lieu of the 13 feet required; to permit window-to-property line setbacks of 10 feet for Lot Nos. 45 and 46 in lieu of the 15 feet required; to permit window-to-window setbacks of 20 feet for Lot Nos. 45 and 46, 30 feet for Lot Nos. 56 and 57, 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required; and to permit building-to-building setbacks of 20 feet for Lot Nos. 45 and 46, 30 feet for Lot Nos. 56 and 57, 32 feet for Lot Nos. 7, 8, 13 and 14, and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71 in lieu of the 40 feet required.

HEARING: Tuesday, January 19, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 240
Petitioner: John F. Owings Enterprises
Address or Location: Taragon Road + West Cherry Hill Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara W. Ormord, Legal Assistant
Address: Venable
210 Allegheny Ave., Towson Md 21204
Telephone Number: 410-494-6201

Revised 2/20/98 - SCJ

99-240-SPHA

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

99-
Case No.: 240SPHV

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO CONFIRM ^{THAT} THE DENSITY IN A PORTION OF
THE ROA & DR 5-5 ZONES MAY BE COMBINED ~~AND~~ AND THE
A ~~VAR~~ PETITION FOR VARIANCE FOR THE FOLLOWING RELIEF:
(SEE ATTACHED)

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

99-240-SPHVA

1. Variance from Sections V.B.6.d of the CMDP and Section 504 of the BCZR to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61; 10 feet for Lot Nos. 42 and 49; 11 feet for Lot Nos. 8, 13, 14, 31, 36, 37, 56, 57 and 60; and 12 feet for Lot No. 71, in lieu of the 13 feet required; and, a variance to permit window-to-property line setbacks of 10 feet for Lot Nos. 45 and 46 in lieu of the 15 feet required.
2. Variance from Sections 1B01.2.C.2.b and 504 of the BCZR and V.B.6.C of the CMDP to permit window-to-window setbacks of 20 feet for Lot Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14; and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71, in lieu of the 40 feet required.
3. Variance from Sections 1B01.2.C.6 and 504 of the BCZR and V.B.3.b of the CMDP to permit building-to-building setbacks of 20 ft. for Lots Nos. 45 and 46; 30 feet for Lot Nos. 56 and 57; 32 feet for Lot Nos. 7, 8, 13 and 14; and 35 feet for Lot Nos. 30, 31, 36, 37, 70 and 71, in lieu of the 40 feet required.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

Janaury 14, 1998

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 240
Case No.: 99-240-SPHA
Location: SEC Franklin Boulevard
and Tarragon Road

Dear Mr. Hoffman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 9, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." followed by a stylized flourish.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures Come visit the County's Website at www.co.ba.md.us



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 29, 1998

FROM: Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 21, 1998
 Item Nos. 236, 237, 240, 242, and
 244

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

JANUARY 4, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOHN F. OWINGS, JR.

Location: DISTRIBUTION MEETING OF DECEMBER 21, 1998

Item No.: 240 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: January 5, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley *RSB/JS*
SUBJECT: Zoning Item #240

Cherrycroft

Zoning Advisory Committee Meeting of December 21, 1998

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
-

Jim
1/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: January 11, 1999

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Cherry Croft

INFORMATION:

Item Number: 240

Petitioner: John F. Owings, Jr.

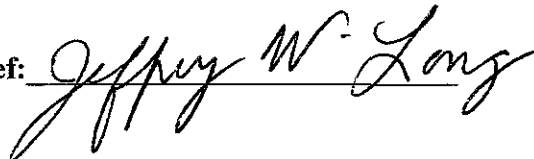
Zoning: DR 5.5 and ROA

Requested Action: Variance and Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the applicant's request provided that the petitioner provide the fencing and landscaping as agreed to in paragraph three of a letter written by G. Dwight Little, Jr. on August 14, 1998 (see attached).

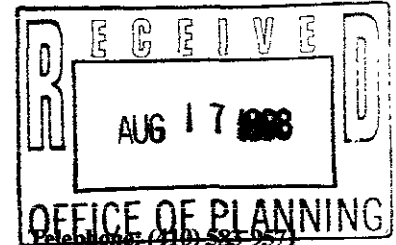
Section Chief:



AFK/JL:

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners



530 East Joppa Road
Towson, Maryland 21286

August 14, 1998

Mr. Pat Keller, Director
Baltimore County – OPZ
401 Bosley Avenue
4th. Floor
Towson, Maryland 21204

Re: Cherrycroft
PN 88132B

Dear Pat:

It was a pleasure meeting with you and your staff on August 11, 1998 to discuss the referenced project.

As you know, landscape screening was at issue along Franklin Boulevard where the rear yards of the proposed garage townhouse units will face the street.

We collectively agreed that the first 10 feet adjacent to the road right-of-way in that area would be dedicated to landscape buffering with a combination of fencing and plantings to be provided. The exact combination of screenings will be determined at a later date.

Meanwhile, we can proceed through the CRG refinement process utilizing a note to indicate this intention on applicable plans (CRG, FDP).

Your office will be involved in the final screening selection process. The scheme will be dependent upon the type of fence proposed as well as plantings.

Again, we thank you for your consideration.

Very truly yours,
W. DUVALL & ASSOCIATES, INC.


G. Dwight Little, Jr., P.E.
Executive Vice President

GDL/bfc
cc: Gary Kerns
Lynn Lanham
Carol McEvoy
John Owings
Lou Breitenother



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.21.94

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 240

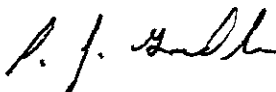
JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


10 Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Edward O'Connor

108 DANBURY Rd.
REISTERSTOWN, MD. 21136

ZONING OFFICER
HATHAWAY - FOX HAVEN COMM ASSOC

William B. Good John D. Jones Enter 6515 Carroll Highlands Rd
11/75



PLEASE PRINT CLEARLY

Refine 1

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Robert Hoffman

210 Allegheny Ave

Patricia A. Malone

"

"

John Owings

P.O. Box 295, Owings Mills 21117

Dwight Little

W. Duvall + Assoc. Inc.

530 E. Joppa Rd., Towson 21286

William B. Grode - John Owings Enterprises 6515 Carroll Highlands Rd 21784





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 8, 1999

William Monk, Inc.
222 Bosley Avenue
Suite B-6
Towson, MD 21204

Dear Mr. Monk:

RE: Drop-Off Petition Review, Case Number 99-241-XA, 1955 Greenspring Drive

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

Need title and telephone number of legal owner on petition form.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

1. Variance from Sections V.B.6.d of the CMDP and Section 504 of the BCZR to permit window-to-street right-of-way setbacks of 9 feet for Lot No. 61; 10 feet for Lot Nos. ~~42~~⁴³ and 49; 11 feet for Lot Nos. 8, 13, 14, ~~31, 36~~^{32, 38,} 37, 56, 57 and 60; and 12 feet for Lot No. 71, in lieu of the 13 feet required; and, a variance to permit window-to-property line setbacks of 10 feet for Lot Nos. ~~45 and 46~~⁴² in lieu of the 15 feet required.

2. Variance from Sections 1B01.2.C.2.b and 504 of the BCZR and V.B.6.C of the CMDP to permit window-to-window setbacks of ~~20 feet for Lot Nos. 45 and 46;~~^{31, 32, 37, 38,} 30 feet for Lot Nos. ~~56 and 57;~~ 32 feet for Lot Nos. 7, 8, 13 and 14; and 35 feet for Lot Nos. ~~30, 31, 36, 37,~~ 70 and 71, in lieu of the 40 feet required.

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TO1DOCS1/ert01/#76024 v1

ORDER RECEIVED FOR FILING

Date

By

11/27/09
2

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 18

BILL NO. 170-91

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, OCTOBER 7, 1991

A BILL ENTITLED

AN ACT concerning

Zoning Regulations - R-O-A Zone

FOR the purpose of creating the R-O-A Zone in the Baltimore County

Zoning Regulations which will allow for the conversion of homes into offices; stating findings of the County Council; defining terms; authorizing certain uses in the zone by right or by special exception; providing sign, bulk regulation, and parking requirements for the zone; providing for a review of conversion plans; conforming certain provisions of the development regulations; and generally relating to uses in R-O-A zones.

BY repealing and re-enacting, with amendments,

Section 100.1.A.2 and Section 101, the definitions of "Office Building, Class A" and "Residential Zone"

Baltimore County Zoning Regulations, as amended

BY adding

Section 202

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments,

Section 409.7.B.

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments

Section 26-282(a)

Title 26 - Planning, Zoning and Subdivision Control

Baltimore County Code, 1988

WHEREAS, the Baltimore County Council has received a final report from the Planning Board, dated July 18, 1991, concerning the subject legislation and held a public hearing on the report on September 26, 1991, now therefore

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
Strike-out indicates matter stricken from bill.
Underlining indicates amendments to bill.

1. of a house OR THE ADDITION OF AN EXTERIOR STAIRWAY AT THE SIDE OR REAR
2. OF THE BUILDING does not constitute external enlargement.

3. Residential Zone: A zone classified as R.C., D.R., R-O-A, or
4. R.A.E. "Zoned for residential purposes": Within a residential zone.

5. SECTION 2. AND BE IT FURTHER ENACTED, that Section 202 be and
6. it is hereby added to the Baltimore County Zoning Regulations, as
7. amended, to read as follows:

8. SECTION 202--RESIDENTIAL-OFFICE, CLASS A OFFICE ZONE (R-O-A)
9. ZONE

10. 202.1 DECLARATION OF FINDINGS.

11. A. RESIDENTIAL USE OF CERTAIN SITES MAY NOT BE
12. ECONOMICALLY FEASIBLE IN SOME PREDOMINANTLY MODERATE-DENSITY
13. RESIDENTIAL AREAS THAT ARE IMMEDIATELY ADJACENT TO COMMERCIAL OR OTHER
14. NONRESIDENTIAL USES;

15. B. NEITHER BUSINESS ZONING NOR HIGH-DENSITY RESIDENTIAL
16. ZONING NOR RESIDENTIAL-OFFICE ZONING WHICH PERMITS NEW OFFICE BUILDINGS
17. ON THOSE SITES IS APPROPRIATE; AND

18. C. WITH APPROPRIATE RESTRICTIONS, HOUSES CONVERTED TO
19. OFFICES ARE SUITABLE, ECONOMICALLY FEASIBLE USES OF SUCH SITES.

20. 202.2--STATEMENT OF LEGISLATIVE POLICY. THE R-O-A ZONING
21. CLASSIFICATION IS ESTABLISHED, PURSUANT TO THE FINDINGS OF SECTION
22. 202.1, TO ACCOMMODATE SINGLE FAMILY, DUPLEX AND TWO FAMILY DETACHED
23. HOUSES CONVERTED TO OFFICE BUILDINGS IN PREDOMINANTLY RESIDENTIAL AREAS
24. ON SITES THAT, BECAUSE OF ADJACENT NONRESIDENTIAL ACTIVITY, HEAVY
25. COMMERCIAL TRAFFIC, OR OTHER SIMILAR FACTORS, CAN NO LONGER REASONABLY
26. BE LIMITED SOLELY TO USES ALLOWABLE IN MODERATE-DENSITY RESIDENTIAL
27. ZONES. IT IS FURTHER THE INTENT OF THE COUNTY COUNCIL THAT THE
28. RESIDENTIAL APPEARANCE OF THE EXISTING STRUCTURE AND THE RESIDENTIAL
29. SETTING OF ANY BUILDING CONVERTED TO OFFICES BE MAINTAINED IN THE R-O-A
30. ZONES SO THAT THE CONVERTED DWELLING WILL BE HIGHLY COMPATIBLE WITH
31. NEIGHBORING RESIDENTIAL PROPERTY. TO MAINTAIN RESIDENTIAL CHARACTER,
32. THE COUNCIL DOES NOT INTEND THAT LOTS BE DEVELOPED OR REDEVELOPED
33. SOLELY FOR THE PURPOSE OF PROVIDING PARKING IN THE R-O-A ZONE. THE
34. R-O-A ZONE SHALL ONLY BE APPLIED TO SITES WHICH ARE LARGE ENOUGH OR
35. DESIGNED IN SUCH A WAY THAT PARKING AND ACCESS CAN BE ACCOMMODATED
36. WITHOUT SACRIFICING THE RESIDENTIAL CHARACTER OF THE SITE AND WHERE THE

1. B. PARKING SHALL BE SETBACK AT LEAST 10 FEET
2. FROM THE PROPERTY LINE EXCEPT THAT IF THE PROPERTY LINE ABUTS AN ALLEY,
3. NO SETBACK IS REQUIRED PROVIDED THAT THE ALLEY DOES NOT ABUT A FRONT OR
4. SIDE YARD;

5. C. NOTWITHSTANDING THE PROVISIONS OF SECTION
6. 307, PARKING SHALL BE LOCATED IN THE SIDE OR REAR ONLY.

7. D. NOTWITHSTANDING THE PROVISIONS OF SECTION
8. 307, THE ZONING COMMISSIONER MAY NOT PERMIT A VARIANCE OF MORE THAN ONE
9. PARKING SPACE BELOW THE NUMBER REQUIRED BY THESE REGULATIONS.

10. 202.4--BULK REGULATIONS OF R-O-A ZONES. USES PERMITTED BY
11. RIGHT OR BY SPECIAL EXCEPTION ARE GOVERNED BY THE FOLLOWING BULK
12. REGULATIONS:

13. A. RESIDENTIAL USES AND NEW STRUCTURES ACCESSORY TO
14. CLASS A OFFICE BUILDINGS ARE GOVERNED BY THE BULK REGULATIONS OF THE
15. D.R. ZONE CLASSIFICATION IN PLACE AT THE TIME WHEN THE R-O-A ZONE WAS
16. APPLIED. IF A D.R. ZONE WAS NOT IN PLACE AT THE TIME THAT THE R-O-A
17. ZONE WAS APPLIED, THE BULK REGULATIONS OF THE D.R.3.5 ZONE SHALL
18. GOVERN. THE PROVISIONS OF SUBSECTION 1B01.1.B. (RESIDENTIAL TRANSITION
19. AREAS) SHALL APPLY IN THE R-O-A ZONE TO THE DEVELOPMENT OF ANY USE
20. OTHER THAN A SINGLE FAMILY HOME OR THE CONVERSION OF A HOME TO A CLASS
21. A OFFICE BUILDING.

22. B. CLASS A OFFICE BUILDING THEMSELVES, WHICH BY
23. DEFINITION MAY NOT BE ENLARGED. ARE NOT SUBJECT TO BULK REGULATIONS,
24. NOR ARE UNENLARGED STRUCTURES ACCESSORY TO THE ORIGINAL BUILDING.

25. C. THE RECONSTRUCTION OF AN EXISTING CLASS A OFFICE
26. BUILDING WHICH IS DESTROYED BY FIRE OR OTHER CASUALTY MAY NOT INCREASE
27. THE SIZE OR GROSS FLOOR AREA OF THE STRUCTURE OR ALTER THE LOCATION OF
28. THE STRUCTURE, WITHOUT A SPECIAL HEARING.

29. 202.5--SUBMITTING PLAN FOR CONVERSION. A NEW BUILDING TO
30. BE USED AS A DWELLING MUST BE OCCUPIED AS A RESIDENTIAL USE FOR FIVE
31. YEARS BEFORE SUBMITTING A PLAN FOR CONVERSION TO A CLASS A OFFICE
32. BUILDING. THE USE OR DEVELOPMENT OF ANY PROPERTY IN AN R-O-A ZONE MAY
33. NOT BE CHANGED FROM THAT EXISTING ON THE EFFECTIVE DATE OF THE
34. CLASSIFICATION'S APPLICATION TO THAT PROPERTY, EXCEPT IN ACCORDANCE
35. WITH A PLAN APPROVED BY THE COUNTY REVIEW GROUP AS PROVIDED IN TITLE
36. 26, ARTICLE V OF THE BALTIMORE COUNTY CODE, UNLESS THE CHANGE IN USE IS
37. CONFINED TO A CHANGE IN THE NUMBER OF DWELLING UNITS IN ACCORDANCE WITH
38. THE PROVISIONS OF SECTION 402.

1. County Code, 1988, be and it is hereby repealed and re-enacted, with
2. amendments, to read as follows:

3. Sec. 26-282. Development in RCG, R-O, R-O-A, O-1, O-2, or OT
4. zone and CR Districts.

5. (a) (1) Development of property in AN R-O-A ZONE AND an
6. R-O zone shall be appropriate to the specific circumstances of the
7. site, taking into account surrounding uses; tree preservation;
8. protection of watercourses and bodies of water from erosion and
9. siltation; and safety, convenience, and amenity for the neighborhoods.

10. (2) In determining the appropriateness of A NEW
11. DWELLING, THE RECONSTRUCTION OF A CLASS A OFFICE BUILDING WHICH
12. INVOLVES CHANGES TO THE EXTERIOR OF THE DWELLING, OR THE DEVELOPMENT OF
13. class B office buildings, design elements of proposed buildings shall
14. be evaluated in relation to existing adjacent or surrounding
15. buildings. Unless determined otherwise by the director of the office
16. of planning and zoning to be considered appropriate, new buildings
17. shall be similar to existing ones in the following respects:

18. a. Height;
19. b. Bulk and general massing;
20. c. Major divisions or rhythms of the facade;
21. d. Proportion of openings (window-wall-relation);
22. e. Roof treatment;
23. f. Materials, colors, textures;
24. g. General architectural character:

25. 1. Horizontal or vertical emphasis;
26. 2. Scale;
27. 3. Stylistic features and themes - porches,
28. colonnades, pediments, cupolas, cornices,
29. coins, detail, and ornament;

30. h. Relation to street;

31. i. Exterior lighting. Buildings shall not be
32. lighted on the exterior, and any lighting provided for safety reasons
33. should be minimized and directed away from adjoining residential
34. property.

35. Section 5. And be it further enacted, that this Act shall take
36. effect forty-five days after its enactment.

MR. DOUGLAS B. RILEY, COUNCILMAN

BY REQUEST OF THE COUNTY EXECUTIVE

BY THE COUNTY COUNCIL, JANUARY 6, 1992

A BILL ENTITLED

AN ACT concerning

Baltimore County Zoning Regulations

FOR the purpose of modifying the Baltimore County Zoning Regulations in accordance with the Master Plan; authorizing certain types of residential dwellings in certain zones as a matter of right; permitting density transfers in limited cases; altering the residential transition area provisions; providing definitions, bulk regulations; changing the circumstances under which a variance may be granted; requiring Council approval of the Comprehensive Manual of Development Policies; and generally relating to the regulation of residential subdivision development in Baltimore County.

BY repealing

Section 101 - Definitions

the definition of "Apartment Building", "Apartment, Group-house", "Window Facing a Property Line", and "Window, Facing"

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Section 101 - Definitions

the definition of "Group House"

Baltimore County Zoning Regulations, as amended

BY adding

Section 101 - Definitions

the definitions of "Dwelling, Single Family Detached",

"Dwelling, Two-Family", "Dwelling, Alternative Site Design",

"Group House, Back-to-Back", and "Multi-family Building"

Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments,

Sections 102.4, as amended by Bill No. 172-89, 1B01.1.A.1.,

1B01.2.A.2., 301.1, 307.1, 400.2 and 504.2

Baltimore County Zoning Regulations, as amended

BY repealing

Sections 1B01.1B.1 and 1B01.2.B.

Baltimore County Zoning Regulations, as amended

BY adding

Sections 1B00.1G. and H., 1B00.2F., 1B01.1B.1 and 1B01.2.B.

Baltimore County Zoning Regulations, as amended

WHEREAS, the Baltimore County Council has received a final report from the Planning Board, dated September 19, 1991, concerning the subject legislation and held a public hearing thereon on November 26, 1991, now therefore,

1. SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2. COUNTY, MARYLAND, that Section 101 - Definitions, the definitions of

1. "Apartment Building", "Apartment, Group-house", "Window Facing a
2. Property Line", and "Window, Facing", Baltimore County Zoning
3. Regulations, as amended, be and they are hereby repealed.

4. SECTION 2. AND BE IT FURTHER ENACTED, that Section 101 -
5. Definitions, the definition of "Group House", Baltimore County Zoning
6. Regulations, as amended, be and it is hereby repealed and re-enacted,
7. with amendments, to read as follows:

8. Group House: {Any one of a} A group of not less than three {and
9. not more than six} attached dwelling units which have been constructed
10. together in a lateral row surrounded by yard space, each dwelling unit
11. separated from another by a party wall {and situated on a separate
12. lot}. GROUP HOUSES INCLUDE TOWN-HOUSE APARTMENT BUILDINGS, GROUP-HOUSE
13. APARTMENT BUILDINGS, BACK TO BACK GROUP HOUSES, AND OTHER GROUPS OF AT
14. LEAST THREE ATTACHED DWELLINGS. A GROUP HOUSE DOES NOT INCLUDE A
15. DUPLEX OR SEMI-DETACHED DWELLING. A SINGLE FAMILY GROUP HOUSE REFERS
16. TO ANY ONE DWELLING WITHIN THE ATTACHED GROUP.

17. SECTION 3. AND BE IT FURTHER ENACTED, that Section 101 -
18. Definitions, the definitions of "Dwelling, Single Family Detached",
19. "Dwelling, Two-Family", "Dwelling, Alternative Site Design", "Group
20. House, Back-to-Back", and "Multi-family Building" be and they are
21. hereby added, alphabetically, to Section 101, Baltimore County Zoning
22. Regulations, as amended, to read as follows:

23. DWELLING, SINGLE FAMILY DETACHED: A DWELLING WHICH IS DESIGNED
24. FOR AND OCCUPIED BY NOT MORE THAN ONE FAMILY AND SURROUNDED BY OPEN
25. SPACE OR YARDS AND NOT ATTACHED TO ANY OTHER DWELLING BY ANY MEANS.
26. SINGLE FAMILY DETACHED DWELLINGS TO BE DEVELOPED AS PART OF AN

1. ALTERNATIVE SITE DESIGN, SHALL BE CONSIDERED ALTERNATIVE SITE DESIGN
2. DWELLINGS.

3. DWELLING, TWO-FAMILY: A TWO-FAMILY HOUSE CONTAINING TWO
4. DWELLING UNITS EACH OF WHICH IS TOTALLY SEPARATED FROM THE OTHER WITH
5. AN UNPIERCED CEILING AND FLOOR EXTENDING FROM EXTERIOR WALL TO EXTERIOR
6. WALL OR BY AN UNPIERCED WALL EXTENDING FROM GROUND TO ROOF.

7. DWELLING, ALTERNATIVE SITE DESIGN: A DWELLING SITED ON A ZERO
8. LOT LINE OR ZIPPER LOT, PATIO HOUSE OR NEO-TRADITIONAL DWELLING AS
9. PRESCRIBED IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

10. GROUP HOUSE, BACK-TO-BACK: A GROUP HOUSE WHICH IS ATTACHED TO
11. TWO OR MORE OTHER DWELLING UNITS BY A SIDE AND REAR PARTY WALL.

12. MULTI-FAMILY BUILDING: A STRUCTURE CONTAINING THREE OR MORE
13. APARTMENTS. A MULTI-FAMILY BUILDING INCLUDES GARDEN AND OTHER
14. APARTMENT BUILDINGS.

15. SECTION 4. AND BE IT FURTHER ENACTED, that Sections 102.4, as
16. amended by Bill No. 172-89, 1B01.1.A.1., 1B01.2.A.2., 301.1, 307.1,
17. 400.2 and 504.2 of the Baltimore County Zoning Regulations, as amended,
18. be and they are hereby repealed and re-enacted, with amendments, to
19. read as follows:

20. 102.4.--No dwelling , OTHER THAN A MULTI-FAMILY BUILDING,
21. shall be built on a lot containing less than 20,000 square feet which
22. does not abut on a right-of-way at least 30 feet wide over which the
23. public has an easement of travel, except as provided for panhandle lots
24. in section 26-266 of {Article IV of} the County Code {}, the development
25. regulations}.

1. Section 1B01.1.--General Use Regulations in D.R. Zones.

2. A. Uses Permitted as of Right. The following uses,
3. only, are permitted as of right in D.R. zones of all classifications,
4. subject to the restrictions hereinafter prescribed:

5. 1. Dwellings {, including, but not limited to,
6. one-family detached houses, one-family semi-detached houses, one-family
7. group houses, patio houses, side-and-back-attached houses, two-family
8. houses, town-house apartment buildings (including group-house apartment
9. buildings), garden apartment buildings, and other apartment buildings.}

10. AS PROVIDED HEREIN AND AS PROVIDED IN SECTION 430 AND SUBJECT TO
11. SECTION 402.

12. A. IN ALL D.R. ZONES: SINGLE FAMILY DETACHED,
13. SEMI-DETACHED OR DUPLEX DWELLINGS.

14. B. IN ALL D.R. ZONES: ALTERNATIVE SITE DESIGN
15. DWELLINGS, SUBJECT TO FINDINGS OF COMPATIBILITY PURSUANT TO SECTIONS
16. 26-206 AND 26-282 OF THE COUNTY CODE, AND AS PROVIDED FOR IN THE
17. COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

18. C. IN D.R. 5.5 ZONES, SUBJECT TO FINDINGS OF
19. COMPATIBILITY BY THE HEARING OFFICER: GROUP HOUSES, GROUP HOUSES,
20. BACK-TO-BACK, AND MULTI-FAMILY BUILDINGS.

21. D. IN D.R. 10.5 AND D.R. 16.0 ZONES: GROUP
22. HOUSE, GROUP HOUSE, BACK-TO-BACK, AND MULTI-FAMILY BUILDINGS.

23. E. In the case of housing for the elderly and
24. assisted living facilities of fewer than four, see Section 432.

25. 1B01.2.--General Density, Bulk, Building-Separation,
26. Open-Space, and other Height and Area Standards and Regulations.

1. A. Density Controls.

2. 2. Application to Tract Divided by Zone Boundary.

3. {Wherever} IN D.R. 10.5, D.R. 16, OR IN ANY NONRESIDENTIAL ZONE WHICH
4. ALLOWS RESIDENTIAL DEVELOPMENT, WHEREVER a single tract is divided by a
5. zone boundary so that portions of such tract lie within D.R. zones of
6. different classification, the total number of dwelling or density units
7. permitted, as determined by multiplying the gross acreage of each
8. portion by the maximum density permitted under Subsection 1B02.2 in the
9. zone within which that portion lies and totalling the results, shall be
10. permitted without further regard to the zone boundary, and the units
11. may be distributed over the tract as though it were in a single zone.

12. Section 301--Projections into Yards.

13. 301.1. (A) If attached to the main building, a carport or a
14. one-story open porch, with or without a roof, may extend into any
15. required yard not more than 25% of the minimum required depth of a
16. front or rear yard or of the minimum required width of a side yard.
17. Any carport OR OPEN PORCH so extended must be open on {all} THREE sides.

18. (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A),
19. OPEN PROJECTIONS IN THE SIDE YARD ARE PERMITTED IN RESIDENTIAL LARGE
20. TRACT SUBDIVISIONS ONLY IN ACCORDANCE WITH SECTION 504 AND THE
21. STANDARDS AS SET FORTH IN THE COMPREHENSIVE MANUAL OF DEVELOPMENT
22. POLICIES.

23. Section 307 - VARIANCES

24. 307.1 - The Zoning Commissioner of Baltimore County and the
25. County Board of Appeals, upon appeal, shall have and they are hereby
26. given the power to grant variances from height and area regulations.

1. from offstreet parking regulations and from sign regulations, only in
2. cases where SPECIAL CIRCUMSTANCES OR CONDITIONS EXIST THAT ARE PECULIAR
3. TO THE LAND OR STRUCTURE WHICH IS THE SUBJECT OF THE VARIANCE REQUEST
4. AND WHERE strict compliance with the Zoning Regulations for Baltimore
5. County would result in practical difficulty or unreasonable hardship.
6. No increase in residential density beyond that otherwise allowable by
7. the Zoning Regulations shall be permitted as a result of any such grant
8. of a variance from height or area regulations. Furthermore, any such
9. variance shall be granted only if in strict harmony with the spirit and
10. intent of said height, area, offstreet parking, or sign regulations,
11. and only in such manner as to grant relief without {substantial} injury
12. to public health, safety, and general welfare. They shall have no
13. power to grant any other variances. Before granting any variance, the
14. Zoning Commissioner shall require public notice to be given and shall
15. hold a public hearing upon any application for a variance in the same
16. manner as in the case of a petition for reclassification. Any order by
17. the Zoning Commissioner or the County Board of Appeals granting a
18. variance shall contain a finding of fact setting forth and specifying
19. the reason or reasons for making such variance.

20. Section 400--Accessory Buildings in Residence Zones.

21. 400.2.--Accessory buildings, INCLUDING PARKING PADS, shall
22. be set back not less than 15 feet from the center line of any alley on
23. which the lot abuts.

24. Section 504.--Furthering Policies and Procedures.

25. 504.2.--Comprehensive Manual. The Office of Planning and
26. Zoning shall compile and codify, in an appropriate and practical form,

1. a comprehensive manual of the Planning Board's land-use and development
2. policies and zoning resolutions. The manual shall include the
3. statements of all policies and procedures adopted under Subsection
4. 504.1 and all other formal Planning Board actions taken pursuant to
5. these Zoning Regulations, the Subdivision Regulations, and such other
6. land-use and development regulations as may hereafter be effected,
7. except actions on subdivision plans or other routine actions in
8. individual cases. The form of the manual may be such as to include, in
9. addition, provisions of these Zoning Regulations, of the Subdivision
10. Regulations, or of other rules, regulations, or laws, with the sources
11. of all such provisions clearly identified. Such provisions may be
12. printed together as they were promulgated, and placed in separate
13. sections of the manual, or they may be separated and integrally
14. codified with other manual provisions or statements, placed in order
15. according to subject or other logical arrangement. The manual also may
16. include such other matter as the Office of Planning and Zoning or the
17. Planning Board deems relevant. THE MANUAL SHALL BE SUBMITTED TO THE
18. COUNTY COUNCIL FOR APPROVAL PURSUANT TO THE PROVISIONS OF SECTION
19. 26-283 OF THE CODE. THE PROPOSED MANUAL OR CHANGE SHALL TAKE
20. EFFECT FORTY-FIVE DAYS AFTER SUBMISSION TO THE COUNCIL, UNLESS WITHIN
21. THE FORTY-FIVE DAY PERIOD, THE COUNTY COUNCIL OBJECTS. IN SUCH CASE,
22. THE MANUAL OR CHANGE REQUIRES LEGISLATIVE APPROVAL.

23. SECTION 5. AND BE IT FURTHER ENACTED, that Sections 1B01.1B.1
24. and 1B01.2.B. of the Baltimore County Zoning Regulations, as amended,
25. be and they are hereby repealed.

1. SECTION 6. AND BE IT FURTHER ENACTED, that Sections 1B00.1 G.
2. and H., 1B00.2F., 1B01.1B.1 and 1B01.2.B. be and they are hereby added
3. to the Baltimore County Zoning Regulations, as amended, to read as
4. follows:

5. 1B00.1.--Declaration of Findings. {It is found} THE
6. BALTIMORE COUNTY COUNCIL FINDS:

7. G. THAT THE ABILITY TO DISTRIBUTE DENSITY ACROSS
8. DIFFERENT ZONE BOUNDARIES, AS PROVIDED FOR IN BILL 100-70, HAS RESULTED
9. IN DENSITY PATTERNS OFTEN UNINTENDED BY THE COUNTY DURING THE
10. COMPREHENSIVE ZONING MAP PROCESS; AND

11. H. THAT THE FLEXIBILITY OF DENSITY RESIDENTIAL ZONING
12. HAS RESULTED, IN SOME SITUATIONS, IN RESIDENTIAL DEVELOPMENT THAT IS
13. INCOMPATIBLE WITH EXISTING NEIGHBORHOODS.

14. 1B00.2.--Purpose. The D.R. zoning classifications are
15. established, pursuant to the legislative findings set forth above, in
16. order to:

17. F. PROVIDE GREATER CERTAINTY ABOUT DWELLING TYPES AND
18. DENSITIES WITHIN EXISTING COMMUNITIES WITH THE GOAL OF CONSERVING AND
19. MAINTAINING THESE AREAS.

20. 1B01.1B.1.--Residential Transition Areas and Uses Permitted
21. Therein.

22. A. DEFINITIONS AND PURPOSE.

23. 1. THE RESIDENTIAL TRANSITION AREA (RTA) IS A 100
24. FOOT AREA, INCLUDING ANY PUBLIC ROAD OR PUBLIC RIGHT-OF-WAY, EXTENDING
25. FROM A D.R. ZONED TRACT BOUNDARY INTO THE SITE TO BE DEVELOPED.

1. 2. THE PURPOSE OF AN RTA IS TO ASSURE THAT SIMILAR
2. HOUSING TYPES ARE BUILT ADJACENT TO ONE ANOTHER OR THAT ADEQUATE
BUFFERS AND SCREENING ARE PROVIDED BETWEEN DISSIMILAR HOUSING TYPES.

4. B. GENERATION OF RESIDENTIAL TRANSITION AREA.

5. AN RTA IS GENERATED IF THE PROPERTY TO BE DEVELOPED
6. LIES ADJACENT TO LAND ZONED D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, OR R.C.
7. WHICH:

8. 1. CONTAINS A SINGLE FAMILY DETACHED,
9. SEMI-DETACHED OR DUPLEX DWELLING WITHIN 150 FEET OF THE TRACT BOUNDARY;
10. OR

11. 2. IS VACANT, LESS THAN TWO ACRES IN SIZE, AND
12. CONTAINS A BUILDABLE AREA AT LEAST 20 FEET BY 30 FEET ON WHICH A
13. DWELLING MEETING ALL REQUIRED SETBACKS CAN BE ERECTED.

14. C. VARIANCE OF RTA.

15. 1. NOTWITHSTANDING THE PROVISIONS OF SECTION 307,
16. THE HEARING OFFICER, UPON THE RECOMMENDATION OF PUBLIC WORKS, PLANNING
17. AND ZONING, ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT, ZONING
18. ADMINISTRATION AND DEVELOPMENT MANAGEMENT, RECREATION AND PARKS,
19. COMMUNITY DEVELOPMENT, OR THE ECONOMIC DEVELOPMENT COMMISSION, MAY
20. DETERMINE THE AMOUNT OF RTA IN CASES WHERE A SINGLE TRACT IS MORE THAN
21. TWO ACRES, IS VACANT, OR CONTAINS NO MORE THAN ONE SINGLE FAMILY
22. DETACHED, SEMI-DETACHED OR DUPLEX DWELLING;

23. 2. THE RTA FOR A TRACT MAY BE MODIFIED AS DIRECTED
24. BY FINDINGS PURSUANT TO SECTION 26-206 AND SECTION 26-282 OF THE CODE.
25. HOWEVER, THE HEARING OFFICER MAY NOT REDUCE THE AMOUNT OF RTA UNLESS
26. THE OFFICER SPECIFICALLY FINDS AND DETERMINES THAT SUCH A REDUCTION
27. WILL NOT ADVERSELY IMPACT THE RESIDENTIAL COMMUNITY OR DEVELOPMENT ON
28. THE LAND ADJACENT TO THE PROPERTY TO BE DEVELOPED.

1. D. A RESIDENTIAL TRANSITION USE IS ANY USE:

2. 1. PERMITTED AS OF RIGHT UNDER PARAGRAPH 1B01.1.A;

3. OR

4. 2. ANY USE PERMITTED BY SPECIAL EXCEPTION UNDER
5. PARAGRAPH 1B01.1.C, EXCEPT AN ACCESSORY USE PERMITTED ONLY BY SPECIAL
6. EXCEPTION, OR

7. 3. ANY PARKING AREA PERMITTED UNDER PARAGRAPH
8. 409.8.B., SUBJECT TO THE APPROVAL OF A SPECIFIC LANDSCAPE PLAN FOR THE
9. BUFFER AREA WHICH MUST MEET THE REQUIREMENTS FOR A CLASS A PLAN.

10. E. CONDITIONS IN RESIDENTIAL TRANSITION AREAS.

11. 1. THE RTA MAY CONTAIN SINGLE-FAMILY DETACHED,
12. SEMI-DETACHED OR DUPLEX DWELLINGS.

13. 2. GROUP-HOUSE, BACK-TO-BACK GROUP HOUSES,
14. MULTI-FAMILY BUILDING AND PARKING LOTS SHALL BE SET BACK FROM THE TRACT
15. BOUNDARY 75 FEET AND PROVIDE A 50 FOOT RTA BUFFER.

16. 3. THE 50 FOOT RTA BUFFER SHALL REMAIN AN
17. UNGRADED, UNCLEARED, LANDSCAPED BUFFER UNLESS OTHERWISE DIRECTED BY THE
18. HEARING OFFICER, BASED UPON RECOMMENDATIONS OF THE COUNTY. IT SHALL
19. NOT CONTAIN CLEARED DRAINAGE AREAS, STORMWATER MANAGEMENT PONDS OR
20. ACCESSORY STRUCTURES, BUT IT MAY BE BISECTED BY ROADS, PATHS, AND
21. TRAILS THAT ARE DESIGNED TO CONNECT TO ADJOINING DEVELOPMENTS.

22. 4. THE MAXIMUM HEIGHT OF ANY LIGHTING FIXTURES IN
23. AN RTA BUFFER AREA SHALL BE 16 FEET EXCEPT FOR PUBLIC UTILITY USES
24. WHICH MUST BE OF REASONABLE HEIGHT. THE FIXTURES SHALL BE DESIGNED AND
25. PLACED SO AS TO PREVENT THE SPILLAGE OF LIGHT INTO ANY ADJOINING
26. DWELLING OR LOT. THE INTENSITY OF THE FIXTURE SHALL NOT EXCEED .2
27. CANDLES AT THE TRACT BOUNDARY.

1. 5. PARKING LOTS OR STRUCTURES, EITHER AS PRINCIPAL
2. OR ACCESSORY USE, WHETHER PERMITTED BY RIGHT, SPECIAL EXCEPTION, OR
3. PURSUANT TO SECTION 409.8.B, SHALL PROVIDE A 50 FOOT BUFFER AND 75
4. FOOT SETBACK, AND A HEIGHT NOT TO EXCEED 35 FEET WITHIN THE 100 FOOT
5. TRANSITION AREA.

6. F. THE PROVISIONS OF SECTION 307 OF THESE
7. REGULATIONS ARE NOT APPLICABLE TO THE REQUIREMENTS OF THIS SUBSECTION
8. ~~1B01.1B.1.~~

9. F. ANY SUBDIVISION OF LAND OR PUD THAT HAS RECEIVED
10. CRG APPROVAL OR RECLAMATION PLAN APPROVAL OR HAS BEEN ACCEPTED FOR
11. FILING PRIOR TO THE DATE OF ADOPTION OF BILL NO. 2-92 OR 3-92 IS
12. SUBJECT TO THE LAWS IN EFFECT AT THE TIME OF THE APPROVAL OR FILING.

13. 1B01.2--General Density, Bulk, Building Separation, Open
14. Space, and other Height and Area Standards and Regulations.

15. B. Bulk Regulations.

16. 1. DETACHED AND ATTACHED BUILDINGS. IN THE
17. APPLICATION OF THE PROVISIONS OF THIS ARTICLE, BUILDINGS SHALL BE
18. CONSIDERED AS DETACHED IF THERE ARE NO ABOVE-GRADE STRUCTURAL
19. CONNECTIONS BETWEEN THEM. IF BUILDINGS ARE, IN FACT, STRUCTURALLY
20. CONNECTED ABOVE GRADE, THEY SHALL BE CONSIDERED AS MUTUALLY ATTACHED
21. BUILDINGS IF DIVIDED BY LOT LINES, OR AS ONE BUILDING IF SITUATED ON A
22. SINGLE LOT.

23. 2. BUILDING LENGTHS. THE BUILDING LENGTHS HAVE
24. BEEN DESCRIBED IN ACCORDANCE WITH SECTION 504.2, COMPREHENSIVE MANUAL
25. OF DEVELOPMENT POLICIES.

C. BUILDING SETBACK REQUIREMENTS.

1. EXCEPT AS OTHERWISE MAY BE PROVIDED UNDER
STANDARDS ADOPTED PURSUANT TO SECTION 504.2, THE MINIMUM SETBACKS AND
HEIGHTS SHALL BE AS SET FORTH IN THE FOLLOWING TABLES:

NONRESIDENTIAL PRINCIPAL
BUILDING SETBACKS
IN D.R. ZONES

		Front Yard	Side Yard Inter.	Corner Street Side	Rear Yard
D.R. 1	70	40	65	50	
D.R. 2	60	30	50	40	
D.R. 3.5	50	20	35	30	
D.R. 5.5	40	20	35	30	
D.R. 10.5	25	20	35	50	
D.R. 16	30	25	25	30	

SINGLE FAMILY DETACHED, TWO-FAMILY
ALTERNATIVE SITE DESIGN DWELLINGS

			ALTERNATE SITE DESIGN DWELLINGS	
			ZERO & ZIPPER LOTS ALL D.R. ZONES	NEO- TRADITIONAL ALL D.R. ZONES
		D.R. 1, 2, ZONES	D.R. 3.5, 5.5, 10.5, 16 ZONES	
9.	FROM FRONT BUILDING FACE TO:			
10.	PUBLIC STREET RIGHT-OF-WAY,			
11.	OR PROPERTY LINE	25'	25'	25'
12.	ARTERIAL OR COLLECTOR	--	--	15'
				25'
13.	FROM SIDE BUILDING FACE TO:			
14.			16' < 20' HIGH	16' < 20' HIGH
15.	SIDE BUILDING FACE	30'	20' > 20' HIGH	20' > 20' HIGH
16.	PUBLIC STREET RIGHT-OF-WAY	25'	15'	15'
17.	PAVING OF A PRIVATE ROAD	30'	25'	25'
18.	TRACT BOUNDARY	25'	15'	15'
19.	FROM REAR BUILDING FACE TO:			
20.	REAR PROPERTY LINE	30'	30'	20'
21.	PUBLIC STREET RIGHT-OF-WAY	30'	30'	50'
				20'
22.	ADDITIONAL SETBACKS:			
23.	SETBACKS FOR BUILDINGS LOC-			
	ATED ADJACENT TO ARTERIAL			
25.	ROADWAYS SHALL BE INCREASED			
26.	BY AN ADDITIONAL 20 FEET.			
27.	THIS TABLE LISTS MINIMUM SETBACK REQUIREMENTS AND BUILDING HEIGHTS FOR URBAN			
28.	RESIDENTIAL USE. FOR A FULLER EXPLANATION OF THESE AND OTHER REQUIREMENTS, CONSULT			
29.	THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.			

1. GROUP HOUSE (EXCEPT BACK-TO-BACK GROUP HOUSE)

2. FROM FRONT BUILDING FACE TO:
3. PUBLIC STREET RIGHT-OF-WAY,
4. OR PROPERTY LINE
5. GARAGE UNITS 25'
6. NON-GARAGE UNITS
7. PERPENDICULAR PARKING 13'
8. PARALLEL PARKING 15'

9. FROM SIDE BUILDING FACE TO:
10. SIDE BUILDING FACE 25', 20'*
11. PUBLIC STREET RIGHT-OF-WAY 25'

12. FROM REAR BUILDING FACE TO:
13. REAR PROPERTY LINE OR 30'
14. PUBLIC STREET RIGHT-OF-WAY 45'

15. ANY BUILDING FACE TO:
16. TRACT BOUNDARY 30'

17. ADDITIONAL SETBACKS:
18. SETBACKS FOR BUILDINGS LOCATED
19. ADJACENT TO ARTERIAL ROADWAYS
20. SHALL BE INCREASED BY AN
21. ADDITIONAL 20 FEET.

22. THIS TABLE LISTS MINIMUM SETBACK REQUIREMENTS AND
23. BUILDING HEIGHTS FOR URBAN RESIDENTIAL USE. FOR
24. A FULLER EXPLANATION OF THIS REQUIREMENT, CONSULT
25. THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.
26. * SEE C.M.D.P. SECTION 11, SINGLY-FAMILY ATTACHED.

BACK-TO-BACK GROUP HOUSES

1.	
2.	
3.	BUILDING FACE TO BUILDING FACE: 60' (THERE ARE TWO FRONTS)
4.	BUILDING FACE TO PUBLIC STREET: 25'
5.	SIDE BUILDING FACE TO SIDE
6.	BUILDING FACE: 1' OF SETBACK
7.	PER 1' OF HEIGHT TO SOFFIT
8.	LINE OF TALLEST BUILDING.
9.	NOT LESS THAN 40'.
10.	
11.	BUILDING FACE TO TRACT BOUNDARY: 40'
12.	ADDITIONAL SETBACKS:
13.	SETBACKS FOR BUILDINGS LOCATED
14.	ADJACENT TO ARTERIAL ROADWAYS
15.	SHALL BE INCREASED BY AN
16.	ADDITIONAL 20 FEET.
17.	
18.	THIS TABLE LISTS MINIMUM SETBACK REQUIREMENTS AND
19.	BUILDING HEIGHTS FOR URBAN RESIDENTIAL USE. FOR A
20.	FULLER EXPLANATION OF THESE AND OTHER REQUIREMENTS,
21.	CONSULT THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES.

MULTI-FAMILY BUILDING

1.		
2.	BUILDING FACE TO BUILDING FACE:	60'
3.	(FRONT OR REAR)	
4.	BUILDING FACE TO PUBLIC STREET	25'
5.	RIGHT-OF-WAY	
6.	SIDE BUILDING FACE TO SIDE	
7.	BUILDING FACE: 1' OF SETBACK	
8.	PER 1' OF HEIGHT TO SOFFIT LINE	
9.	OF TALLEST BUILDING.	
10.	NOT LESS THAN 30'.	
11.	BUILDING FACE TO TRACT BOUNDARY:	
12.	FRONT OR REAR BUILDING FACE	40'
13.	SIDE BUILDING FACE	30'
14.	ADDITIONAL SETBACKS:	
15.	SETBACKS FOR BUILDINGS LOCATED	
16.	ADJACENT TO ARTERIAL ROADWAYS	
17.	SHALL BE INCREASED BY AN	
18.	ADDITIONAL 20 FEET.	
19.	THIS TABLE LISTS MINIMUM SETBACK REQUIREMENTS AND	
20.	BUILDING HEIGHTS FOR URBAN RESIDENTIAL USE. FOR A	
21.	FULLER EXPLANATION OF THESE AND OTHER REQUIREMENTS,	
22.	CONSULT THE COMPREHENSIVE MANUAL OF DEVELOPMENT	
23.	POLICIES.	

4. 2. UNDER PROVISIONS ADOPTED PURSUANT TO THE
25. AUTHORITY OF SECTION 504.2, DEVELOPMENT IN D.R. ZONES MAY BE MADE
26. SUBJECT TO ADDITIONAL STANDARDS OF LOT AREA, YARD SPACE, OPEN-SPACE
27. DISTRIBUTION, BUILDING DISTRIBUTION, OR OTHER ASPECTS OR
28. CHARACTERISTICS OF SITE PLANNING OR PROJECT DESIGN. SUCH STANDARDS
29. SHALL BE BASED UPON SPECIFIED EXISTING, PROSPECTIVE, OR STIPULATED
30. CONDITIONS OR CIRCUMSTANCES OF DEVELOPMENT, AND SHALL BE DESIGNED TO
31. FURTHER THE SPECIFIC PURPOSES OF THIS ARTICLE AND THE PURPOSES OF THESE
32. ZONING REGULATIONS IN GENERAL.

33. 3. LOCAL OPEN SPACE. LOCAL OPEN SPACE TRACTS IN
34. D.R. ZONES SHALL BE DESIGNED, ESTABLISHED, AND MAINTAINED IN ACCORDANCE
35. WITH THE STANDARDS, GUIDELINES AND PROCEDURES SET FORTH IN THE

1. BALTIMORE COUNTY LOCAL OPEN SPACE MANUAL AS ENACTED IN SECTION 22-283
2. OF THE CODE.

3. SECTION 7. -- AND BE IT FURTHER ENACTED, that this Act shall
4. take effect forty-five days after its enactment.

5. SECTION 7. AND BE IT FURTHER ENACTED, that this Act shall
6. take effect on March 2, 1992.

B00292/BILLS92

(DR)

180-2 General Density, Bulk, Building-Separation, Open-Space, and other Height and Area Standards and Regulations. [Bill No. 100, 1970.]

A. Density Controls. [Bill No. 100, 1970.]

1. **Application of Maximum Density Standards to Tract in One Zone.**
The maximum gross residential density permitted in any one D.R. zone shall control only as applied to the total gross residential acreage within a subdivision tract, and shall not apply to or establish minimum areas of lots created by subdivision within such tract. [Bill No. 100, 1970]
2. **Application to Tract Divided by Zone Boundary.** Wherever a single tract is divided by a zone boundary so that portions of such tract lie within D.R. zones of different classification, the total number of dwelling or density units permitted, as determined by multiplying the gross acreage of each portion by the maximum density permitted under Subsection 1802.2 in the zone within which that portion lies and totalling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. [Bill No. 100, 1970.]

B. Bulk Regulations. [Bill No. 100, 1970.]

1. **Detached and Attached Buildings.** In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. Where buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot. [Bill No. 100, 1970]
2. **Maximum Width of Building Elevation.** The maximum width of any elevation of a detached building or group of attached buildings shall be 300 feet, except that a greater width may be authorized under special-exception procedures as provided in Section 502, if such width is in accordance with standards adopted under the authority of Section 504. [Bill No. 100, 1970.]
3. **Maximum⁶ Passageway Width.** The minimum width of any exterior passageway between attached buildings or between portions of a single building shall be 10 feet. [Bill No. 100, 1970.]

C. Open-Space, Building-Separation, and Other Area Standards. [Bill No. 100, 1970]

1. **Distances Between Separate Buildings.** Except as otherwise may be provided under standards adopted pursuant to Section 504, the minimum horizontal distance from any point on a building in a D.R. zone to the vertical projection of any point on another building not mutually attached shall be as set forth below:

Above-Grade Elevation of Higher Point	Minimum Horizontal Distance to Vertical Projection of Point on Building Not Mutually Attached
20 feet or less	16 feet
More than 20 feet but not more than 25 feet	25 "
" " 25 " " " " 30 "	30 "
" " 30 " " " " 40 "	40 "
" " 40 " " " " 50 "	60 "

[Bill No. 100, 1970]

6. Thus in Bill No. 100, 1970.

